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November 15, 2018

VIA CMRRR

Office of the Attorney General
Open Records Division
State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

Request for Public Information from Caroline Haskins received by the City of Farmers Branch, Texas on November 1, 2018 (Our File Reference #104294)

Dear Open Records Division:

The undersigned represents the City of Farmers Branch (“City”), and in that capacity submits this letter as a request for an opinion to except from public disclosure certain information held by the City. On November 1, 2018, the City received an electronic request for information from Caroline Haskins (“Requestor”) requesting various information related to PredPol. A true and correct copy of the original request is attached hereto as **EXHIBIT A**.

The responsive information is attached hereto and incorporated herein as **EXHIBIT B**. (The City only has the agreements requested. The City has no other responsive information.) Pursuant to Chapter 552 of the TEXAS GOVERNMENT CODE, the City wishes to withhold portions of the responsive information, as it falls within exceptions listed under Subchapter C of Chapter 552 of the TEXAS GOVERNMENT CODE, and is requesting a decision from your Office about whether the information falls under the exceptions cited below.

I.

It is the City’s position that the some of the responsive information marked “§552.110” and “552.104” attached in **EXHIBIT B** may be exempt from disclosure according to the following laws. Section 552.110 provides as follows:

Texas Government Code §552.110. CERTAIN COMMERCIAL INFORMATION

- (a) A trade secret obtained from a person and privileged or confidential by statute or judicial decision is excepted from the requirements of Section 552.021.

- (b) **Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from the requirements of Section 552.021.**

Section 552.104 provides as follows:

Gov't Code, Section 552.104: Exception: Information Related to Competition or Bidding

“(a) Information is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder.”

The information marked “552.110” and “552.104” in **EXHIBIT B** contains information that may be considered trade secrets or commercial or financial information that, if released, may cause substantial competitive harm to the company that is the subject of the information responsive to this request. This information may also contain proprietary information. In accordance with §552.305(d) of the Texas Government Code, the City has sent a notice to the subject company that a request for information has been made by the Requestor and that this includes the company’s information received by the City. A true and correct copy of the letter that was sent to the companies are attached hereto as **EXHIBIT C**. In accordance with §552.305(c), the City is not submitting reasons why the information should be withheld or released, as it does not have knowledge and is unable to determine the responsive information that may be considered to be proprietary. The responsibility of determining proprietary information will remain with the third party notified.

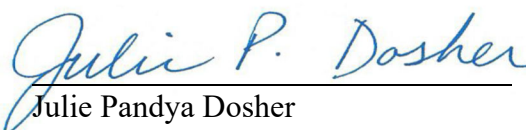
II.

The Requestor is receiving a copy of this letter notifying him of this City’s intent to seek this ruling from your office.

Thank you for your attention in this matter. If you have any questions, please feel free to contact me at your convenience.

Respectfully submitted,

NICHOLS, JACKSON, DILLARD,
HAGER & SMITH, L.L.P.

By: 
Julie Pandya Dasher

JPD
Enclosures

cc w/ enc.: **EMAIL TO 63105-64932981@requests.muckrock.com**

Caroline Haskins

By Email

City of Farmers Branch